

Honorable Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY  
JAMES M. PETERS, DETECTIVE  
SHARON KRAUSE, SERGEANT  
MICHAEL DAVIDSON, CLARK COUNTY  
PROSECUTOR'S OFFICE, CLARK  
COUNTY SHERIFF'S OFFICE, THE  
COUNTY OF CLARK, SHIRLEY  
SPENCER, and JOHN DOES ONE  
THROUGH TEN,

Defendants.

NO. C11-5424-BHS

DECLARATION OF PATRICIA  
C. FETTERLY IN SUPPORT OF  
SUMMARY JUDGMENT FOR  
DEFENDANTS

NOTED FOR: JUNE 22, 2012

I, PATRICIA C. FETTERLY, declare under penalty of perjury under the laws of the  
State of Washington that the following is true and accurate:

1. I am attorney for defendant James M. Peters.
2. Attached as **Exhibit A** is the Clerks Civil Minutes listing witnesses who  
testified and a summary of proceedings of the 1996 evidentiary hearing held before Judge  
Robert Bryan along in *Spencer v. Klauser* (Cause No. C94-5238RJB);

1           3.       Attached as **Exhibit B** are excerpts of testimony from the following witnesses  
2 who testified in the 1996 federal habeas corpus proceeding:

3                   **Exhibit B-1:** Excerpts from the testimony of Manual Galaviz MD. on  
4 September 4, 1996;

5                   **Exhibit B-2:** Excerpts from the testimony of Kathryn Magee on September 5,  
6 1996;

7                   **Exhibit B-3** Excerpts from the testimony of Henry H. Dixon M.D. on  
8 September 5, 1996;

9                   **Exhibit B-4** Excerpts from the testimony of James Rulli on September 5,  
10 1996;

11                   **Exhibit B-5** Excerpts from the testimony of Rebecca Wiester M.D. on  
12 September 6, 1996.

13           4.       Attached as **Exhibit C** is a copy of the oral ruling of Judge Robert Bryan dated  
14 September 6, 1996, made at the close of the testimony presented at the hearing in *Spencer v.*  
15 *Klauser*;

16           5.       Attached as **Exhibit D** is a certified copy of the Findings of Fact and  
17 Conclusions of Law entered by Judge Robert Bryan on September 25, 1996, in *Spencer v.*  
18 *Klauser*;

19           6.       Attached as **Exhibit E** is a certified copy of the Judgment entered in *Spencer v.*  
20 *Klauser*;

1           7. Attached as **Exhibit F** is a copy of excerpts from the testimony of Matthew  
2 Spencer in the reference hearing held in Clark County Superior Court (Cause No. 85-1-00007-  
3 2) on July 10, 2009;

4           8. Attached as **Exhibit G** is a copy of excerpts from the testimony of Kathryn  
5 Spencer Tetz in the reference hearing held in Clark County Superior Court (Cause No. 85-1-  
6 00007-2) on July 10, 2009.

7  
8 SIGNED this 24 day of May, 2012 in Tumwater, WA.

9  
10   
11 PATRICIA C. FETTERLY

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> of May, 2012, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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AND TO

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